IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Bail Appl..No. 1292 of 2007()

CRIME NO.360/04 HARIPAD POLICE STATION
CP.135/2006 of J.M.F.C.-I, HARIPAD

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: PETITIONER/2ND ACCUSED:

BABU, S/O.KUNJACHAN,
AGED 36 YEARS, MOONNUPARAYIL,
THEKKEKARA KIZHAKKUM MURI,
PALLIPPADU VILLAGE, KARTHIKAPPALLY TALUK.

BY ADV. SRI.G.PRIYADARSAN THAMPI

RESPONDENT/COMPLAINANT:

STATE OF KERALA, REPRESENTING SUB
INSPECTOR OF POLICE, HARIPAD POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 1292 OF 2007 B

Dated this the 5th day of March, 2007

O R D E R

Petitioner, who is the 2nd accused in Crime No.360/2004 of Haripad Police Station for offences punishable under sections 8(2) and 55(a) of the Abkari Act for having been found in joint possession along with the first accused of 11 liters of illicit arrack on 26.8.2004, seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P.No.135/2006 on the file of JFCM-I, Haripad, non-bailable warrants of arrest are pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. If the petitioner has got a grievance that he did not receive the summons from the committal court, that is a matter which he can convince the Magistrate concerned. There is no reason why the petitioner should not surrender before the committal court and seek regular bail. Accordingly, if the petitioner surrenders before the committal court within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after considering the grievance of the petitioner that he did not receive the summons in the case.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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